

The Role of Judges in Managing Juvenile Sex Offense Cases

Keys to Informed Decisionmaking

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Judging Sexual Deviance: An Historical Perspective

- Defining sexual deviance
- Criminalizing sexual deviance
- Evolving court responses
 - Sexual deviance vs. sexual abuse

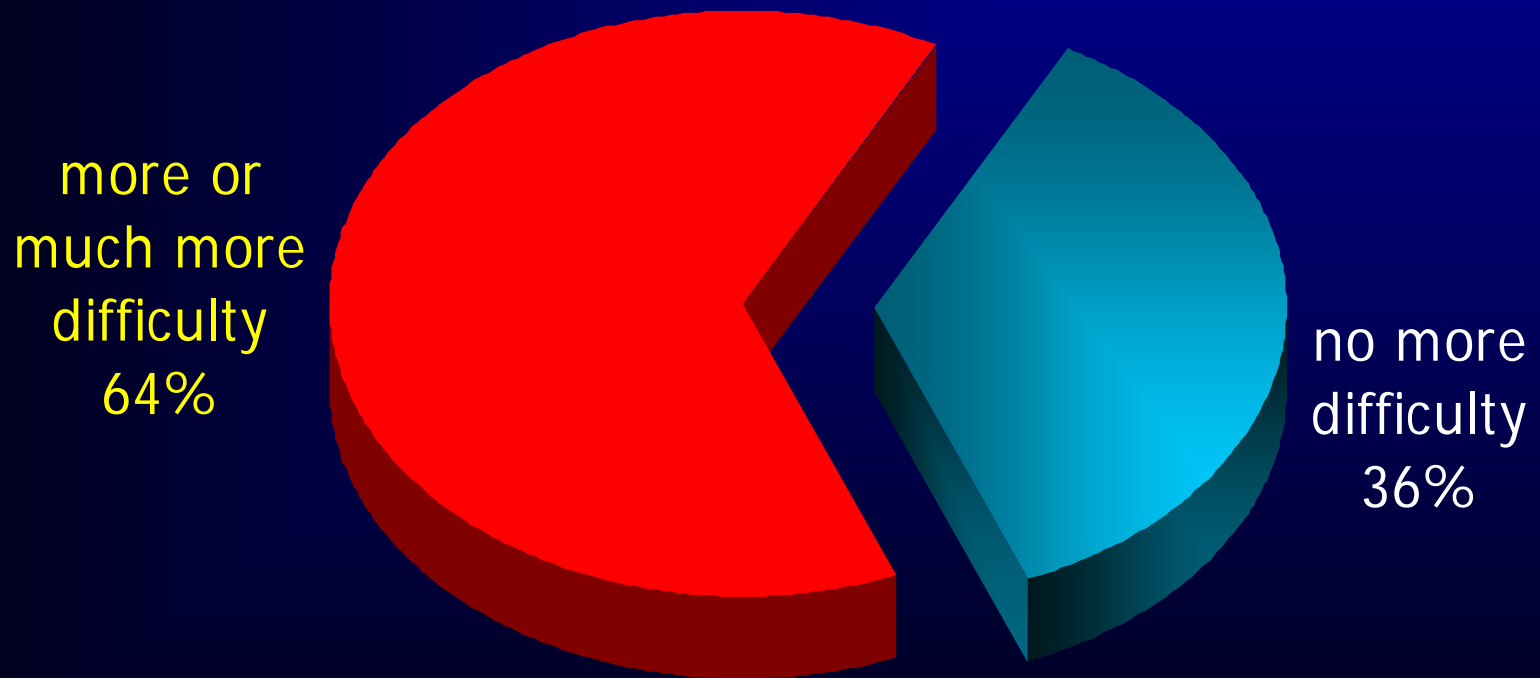
Contemporary Complexities with Sex Offense Cases

- Civil commitment
- Lifetime registration
- New technologies
- Negative public sentiment
- Reactive legislation and policies

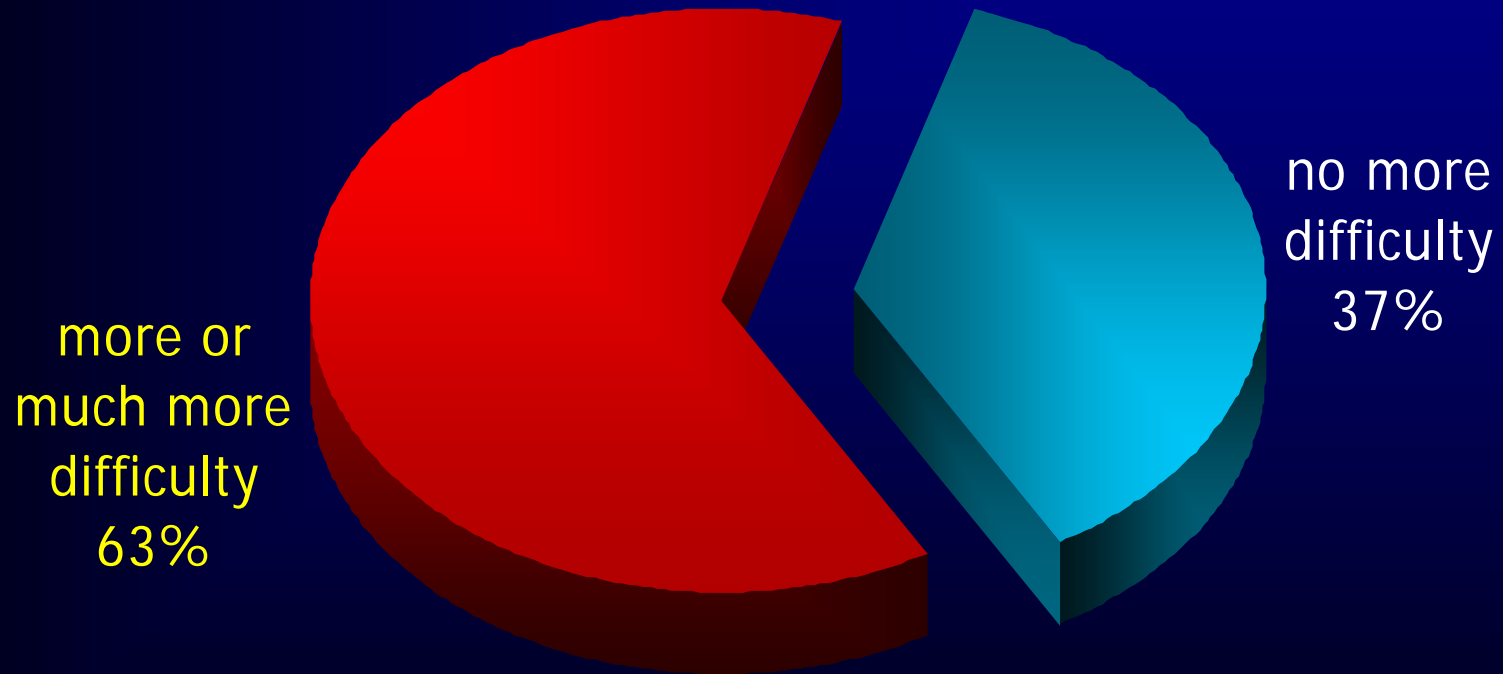
Decisionmaking Challenges in Juvenile Sex Offense Cases

(Bumby, Talbot, Darling, & West, 2008)

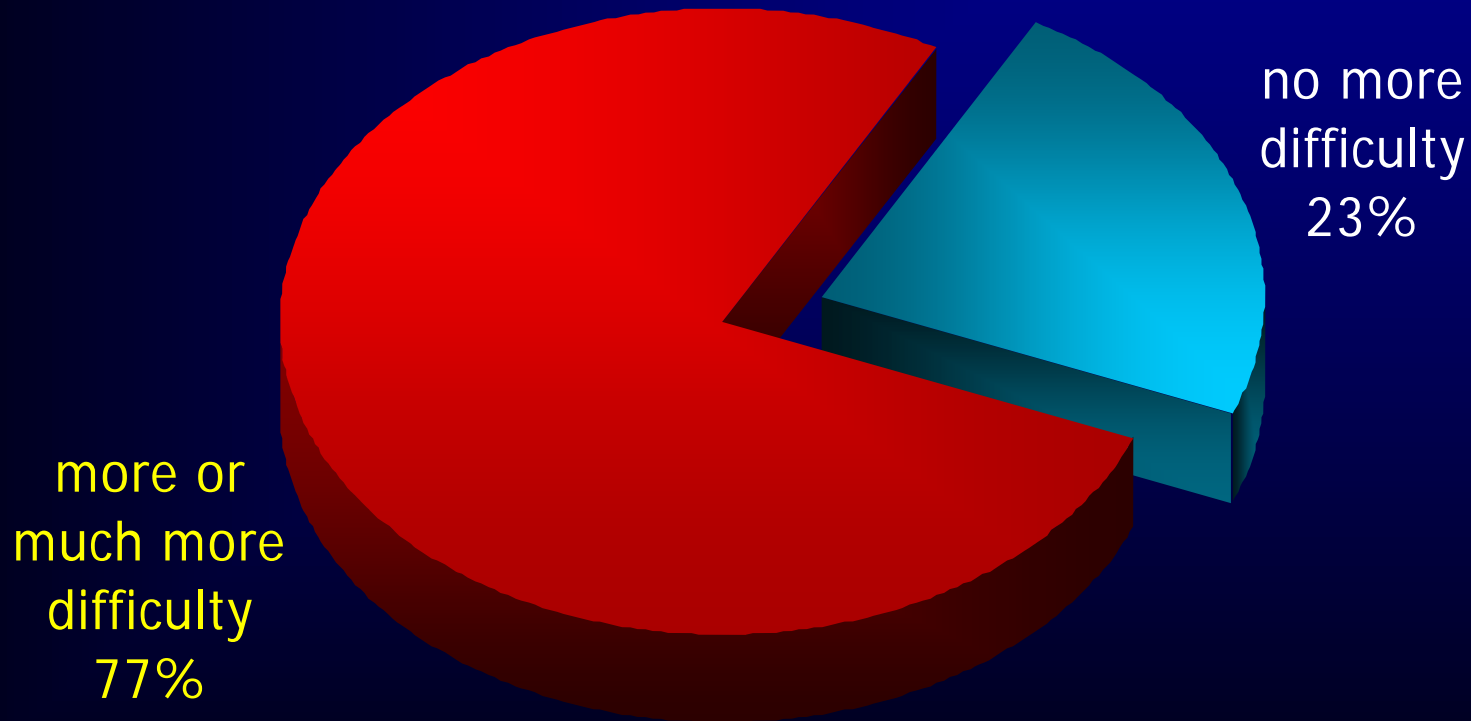
Compared to other delinquency cases, please rate the difficulty you experience presiding over cases involving juvenile sex offenders from a legal/technical perspective



Compared to other delinquency cases, please rate the difficulty you experience presiding over cases involving juvenile sex offenders from a public scrutiny/pressure perspective

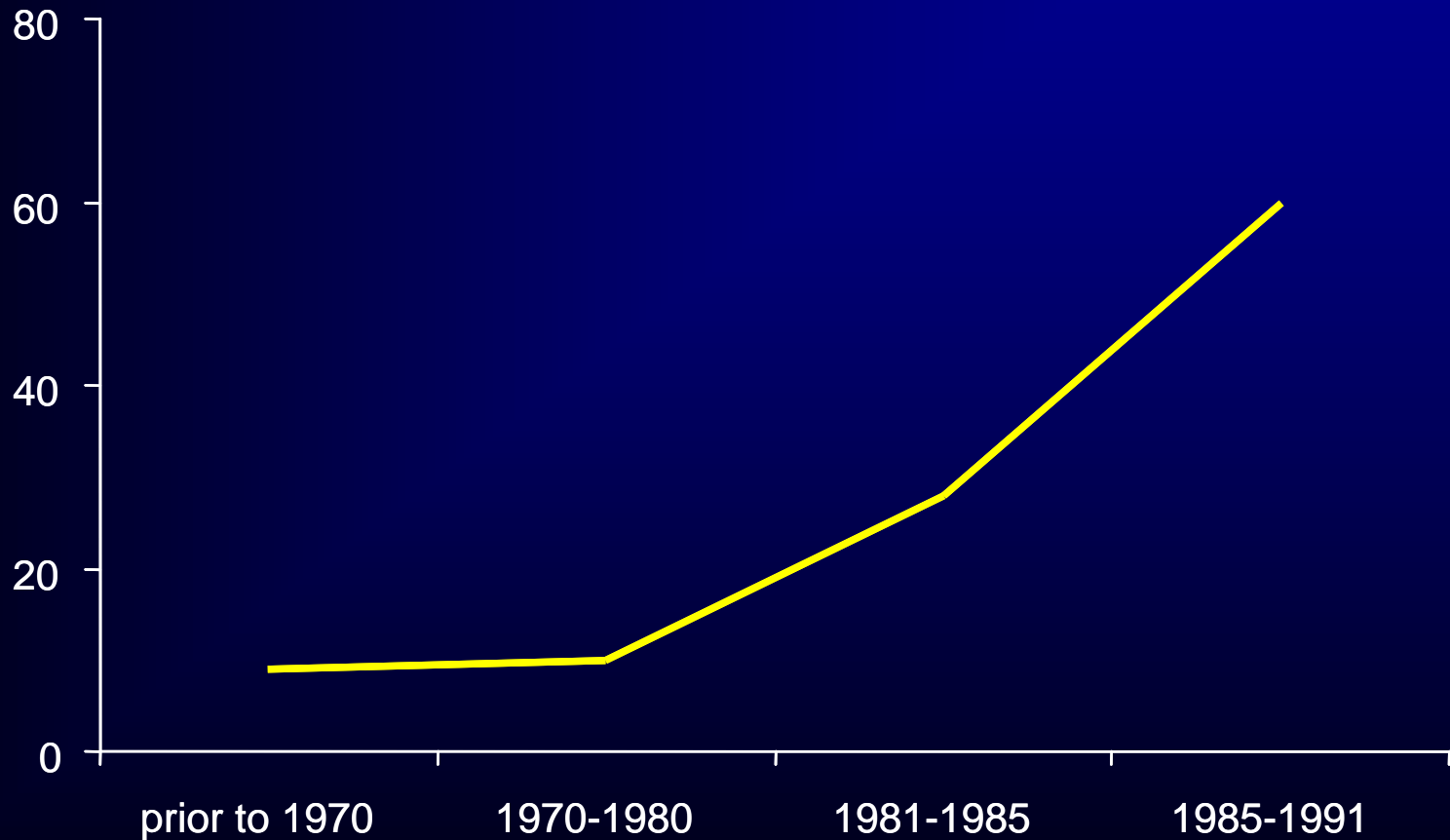


Compared to other delinquency cases, please rate the difficulty you experience presiding over cases involving juvenile sex offenders from a personal/emotional perspective



Early Growth in Literature on Juvenile Sex Offenders

(Barbaree, Hudson, & Seto, 1993)



Primary Catalysts for Initial Focus on Juvenile Sex Offenders

- Revelations from victimization surveys
- Onset reported by adult sex offenders

Early Assumptions and Approaches

- Juvenile sex offenders mirror adult sex offenders
- Destined to continue perpetrating into adulthood
- Laws and management strategies designed for adults applicable for youth

Promoting Measured and Informed Decisionmaking

- Increased understanding of
 - Adolescent development
 - Research on juvenile sex offenders
 - Promising practices

Evolving Developmental Processes During Adolescence

- Cognitive
- Moral
- Personality
- Emotional
- Physical
- Sexual

Courts' Recognition of Unique Needs of Youth

- Initial establishment of juvenile and family courts
- Standards of competency and responsibility
- Judicial discretion for flexible dispositions

Shifting Juvenile Court Philosophies

- Departure from rehabilitative ideals
- “Treat juveniles like adults” movement
- Reduced judicial discretion

Differences Between Juvenile and Adult Sex Offenders

- Recidivism rates
- Some risk factors and correlates
- Developmentally-relevant features and characteristics
- Subtypes, typologies

Key Decision Points for Judges

- Initial appearance
- Adjudication/admission
- Disposition/sentencing
- Case review
- Termination/discharges

Initial Appearance

- Detain or release decisions
 - Family strengths and cooperation
 - Involvement of child protective services
 - Victim access, victim safety plans
 - Available resources
 - Non-sexual delinquency risk assessment

Initial Appearance (cont.)

- Additional considerations
 - Time elapsed since disclosure
 - Collaboration with schools
 - Pre-adjudication assessment dilemmas

Adjudication/Admission

- Prepare participants for dynamics of court experience
 - Victim
 - Victim's family
 - Juvenile offender
 - Juvenile's family
- Establishing factual basis of the plea

Adjudication/Admission (cont.)

- Roles and responsibilities of juvenile department and prosecutor
- Consider providing copies of admission record to treatment providers
- Plea negotiations

Disposition/Sentencing

- Placement considerations
- Wording of disposition order
- Expected circumstances for return to court

Key Assessment Data at Disposition/Sentencing

- Pre-disposition/pre-sentence report or social summary
- Psychosexual evaluation
 - Post-adjudication, pre-disposition to avoid ethical and other dilemmas

Psychosexual Evaluation: Reasonable Expectations

- Recommended level of care
- Summary of intervention needs for the juvenile and family
- Strengths and assets of juvenile and family
- Estimated level of risk for recidivism
- Special considerations

Risk Assessment

- Different types of risk
- Limited research
- Promising tools

Recidivism Risk Predictors: “General” Juvenile Offenders

- Age at first referral/adjudication
- Number of prior referrals/adjudications
- Nature of current charge
- Prior aggression
- Association with delinquent peers
- School problems
- Psychopathy
- Social isolation
- History of abscondence
- Substance abuse
- Family instability
- Poor parent-child relations
- History of maltreatment

Recidivism Risk Predictors: Juvenile Sex Offenders

- Family instability
- Poor parent–child relations
- Association with delinquent peers
- Social isolation
- Psychopathy or pervasive antisocial orientation
- Deviant sexual arousal
- Sexual preoccupation and compulsivity
- Stranger victims
- Pro-offending attitudes
- Impulsivity
- Treatment non-compliance/termination

Risk Assessment tools for Juvenile Sex Offenders

- J-SOAP-II

- ERASOR

- No cut-off scores linked to risk categories
- No probabilistic estimates
- Solid research, and better than the alternative

What Should You Expect from a Psychosexual Evaluation?

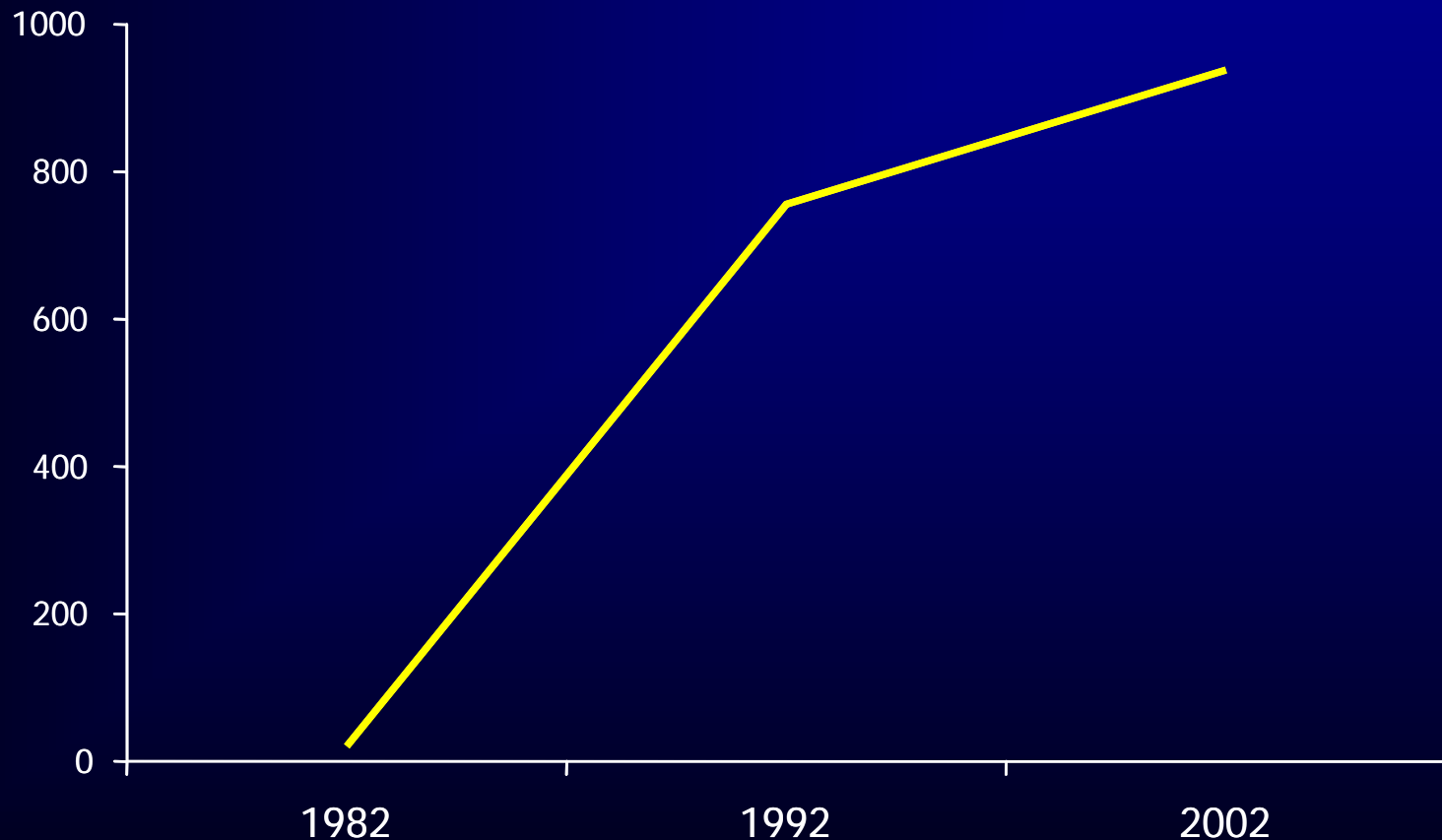
- MORE than a psychological evaluation
 - Sexual history, sexual adjustment, sexual attitudes, use of “sex offender-specific” assessment tools
- User friendliness
- Summary of intervention needs of youth and family, sex offense-specific and/or other strategies
- Review of strengths and assets
- Recommendations about required level of care
- Special considerations
- Estimated level of risk (sexual, non-sexual)
- Conclusions and recommendations supported by data in the report
- Conclusions and recommendations supported by *appropriate* data

View with Caution Psychosexual Evaluations that Include...

- Assertions that there is a “profile” against which the juvenile can be compared
- Statements of risk and/or needs for which there is no basis or foundation in the report
- Language that alludes to guilt or innocence
- Absolutes about recidivism potential
- Data that is primarily drawn from adult-oriented assessment tools and/or tools that lack empirical support
- Only an assessment of general psychological, personality, and/or intellectual functioning

Growth in Juvenile Sex Offender Treatment Programs Nationwide

(McGrath, Cumming, & Burchard, 2003)

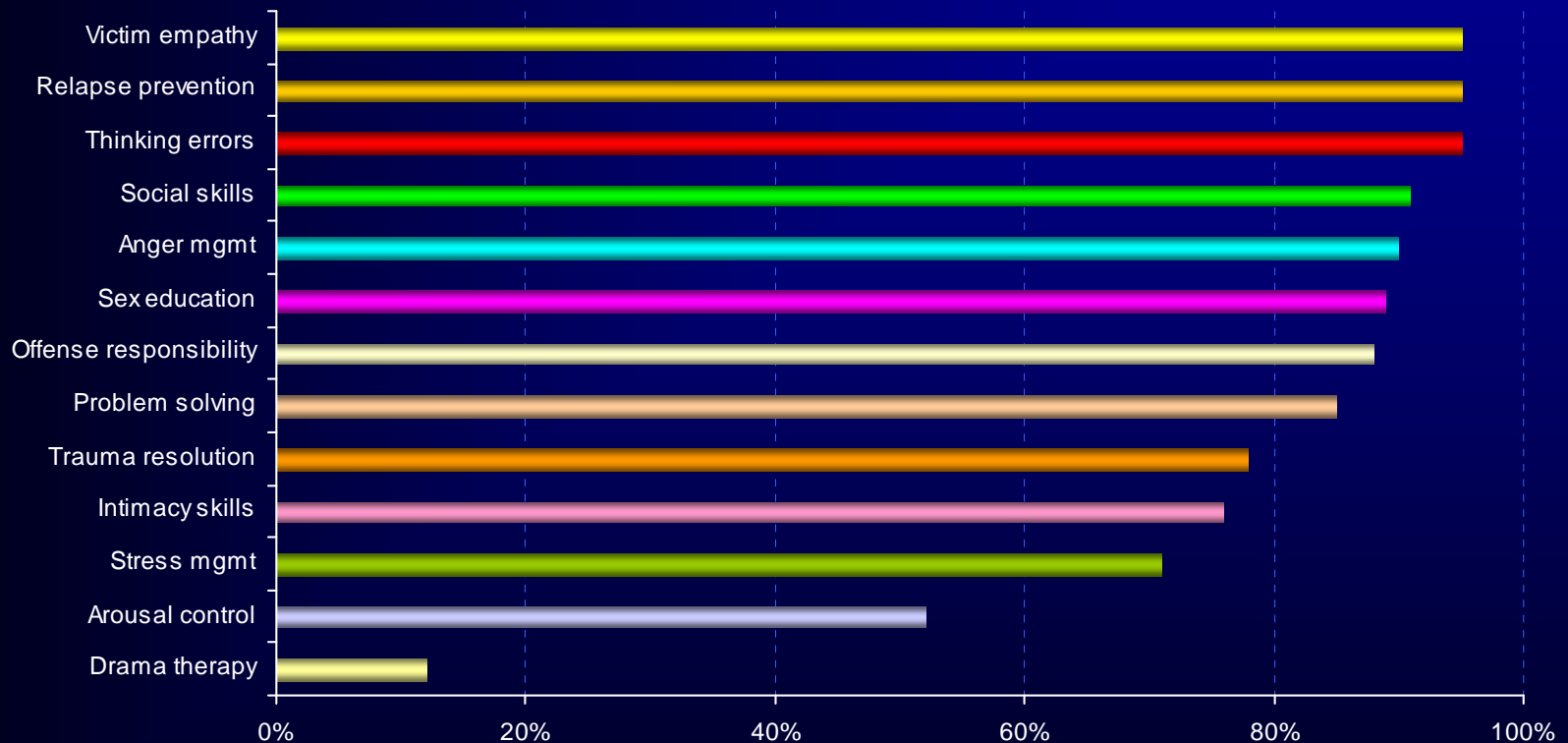


Treatment Effectiveness

- Limited research
- Promising studies with youth
 - Cognitive-behavioral (CBT)
 - Multisystemic Therapy (MST)
- Meta-analyses show significant treatment effects

Treatment Emphases in Programs Nationwide

(Adapted from McGrath, Cumming, & Burchard, 2003)



Community Supervision

- Intensity based on risk and needs
- Complement rehabilitative efforts
- Specialized caseloads and conditions
- Approach vs. avoidance goals

Inadvertently Undermining Potential for Success

- “Standard” sentencing packages
- Rigid and unrealistic restrictions
 - Social contacts
 - Developmentally expected sexual behavior
- Collateral consequences of certain legislation and policies

Family Involvement

- Valuable resource
- Establish as “arm of the court”
- Parental risk and protective factors
- Dynamics impact success or failure

Case Reviews

- Specify circumstances for judicial review
- Responses to violations
 - Role of the court
 - Role of other system actors
 - Juveniles' rights and procedural safeguards

Terminations/Discharges

- Expectations of the court
- Expectations of other system actors
- Evaluating goal attainment
- Failure to progress
- Point of diminishing return

Potential Roles for Judges

- Inside the courtroom
 - Leverage, encouragement
 - Specialized orders
 - Accountability

Potential Roles for Judges (cont.)

- Outside the courtroom
 - Convening influence, collaboration
 - Legislation and policy
 - Public education

Key Resources

- National organizations
- State and local entities
- Suggested readings

National Organizations

- Center for Sex Offender Management
 - www.csom.org
- Association for the Treatment of Sexual Abusers
 - www.atsa.com
- National Council of Juvenile and Family Court Judges
 - www.ncjfcj.org